

EXHIBIT 29

ROBERT PEPERNO

January 23, 2017

Page 1

01 IN THE UNITED STATES DISTRICT COURT
02 DISTRICT OF NEW JERSEY
03 * * * * *
04 KIMBERLY COLE, ALAN COLE, *
05 JAMES MONICA, LINDA BOYD, *
06 MICHAEL MCMAHON, RAY SMINKEY, *
07 JAMES MEDDERS, JUDY MEDDERS, *
08 ROBERT PEPERNO, SARAH PEPERNO *
09 and KELLY MCCOY, on behalf of *
10 themselves and all others *
11 similarly situated, *
12 Plaintiffs * Case No.
13 vs. * 13-cv-07871-FLW-TJB
14 NIBCO, INC., *
15 Defendant *

16 * * * * *

17
18 DEPOSITION OF
19 ROBERT PEPERNO
20 January 23, 2017

21
22
23
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<p style="text-align: right;">Page 2</p> <p>01</p> <p>02 DEPOSITION</p> <p>03 OF</p> <p>04 ROBERT PEPERNO, taken on behalf of the Defendant</p> <p>05 herein, pursuant to the Rules of Civil Procedure,</p> <p>06 taken before me, the undersigned, Lindsey Deann</p> <p>07 Richardson, a Court Reporter and Notary Public in and</p> <p>08 for the Commonwealth of Pennsylvania, at The Hampton</p> <p>09 Inn, 22 Montage Mountain Road, Scranton, Pennsylvania,</p> <p>10 on Monday, January 23, 2017 beginning at 8:52 a.m.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p>	<p style="text-align: right;">Page 4</p> <p>01 I N D E X</p> <p>02</p> <p>03 WITNESS: ROBERT PEPERNO</p> <p>04 EXAMINATION</p> <p>05 By Attorney Weslander 7 - 72</p> <p>06 CERTIFICATE 73</p> <p>07</p> <p>08</p> <p>09</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>01 A P P E A R A N C E S</p> <p>02</p> <p>03 JOSEPH B. KENNEY, ESQUIRE</p> <p>04 McCune Wright, LLP</p> <p>05 555 Lancaster Avenue</p> <p>06 Berwyn, PA 19312</p> <p>07 COUNSEL FOR PLAINTIFFS</p> <p>08 ROBERT AND SARAH PEPERNO</p> <p>09</p> <p>10 ERIC WESLANDER, ESQUIRE</p> <p>11 Lathrop & Gage, LLP</p> <p>12 2345 Grand Boulevard, Suite 2200</p> <p>13 Kansas City, MO 64108</p> <p>14 COUNSEL FOR DEFENDANT</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>01 EXHIBIT PAGE</p> <p>02</p> <p>03 PAGE</p> <p>04 NUMBER DESCRIPTION IDENTIFIED</p> <p>05 1 Notice of Deposition 28</p> <p>06 2 NIBCO Invoices 29</p> <p>07 3 Interrogatories and Responses 52</p> <p>08 4 Second Amended Class Action Complaint 65</p> <p>09</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 10</p> <p>01 ATTORNEY WESLANDER: 02 Just for the record, you're instructing 03 the witness not to answer that one based on marital 04 privilege? 05 ATTORNEY KENNEY: 06 Correct. 07 BY ATTORNEY WESLANDER: 08 Q.And are you going to follow your attorney's 09 advice on that? 10 A.Yes. 11 Q.Anyone besides your spouse or Counsel that you 12 talked to about your testimony? 13 A.Today? No. 14 Q.Previously? 15 A.No, I did not. 16 Q.Are you sure about that? 17 A.Yes. 18 Q.Some of the terminology I'll be using as I ask 19 you questions, NIBCO is the Defendant in this lawsuit, 20 and you understand they manufacture plumbing 21 materials? 22 A.Yes. 23 Q.And I might just refer to NIBCO. I'll mean the 24 Defendant in this case. I'll probably use the term 25 PEX, and when I say that --- do you know the term PEX,</p>	<p style="text-align: right;">Page 12</p> <p>01 Object to the extent it calls for a 02 legal conclusion or expert testimony, but you can 03 answer to the extent you know. 04 A.To be made whole. 05 BY ATTORNEY WESLANDER: 06 Q.And what does that mean to you? 07 A.To be in the position I would want to be in, 08 affecting the products. 09 Q.Can you tell me about what position that is, 10 compared with the position you're in now? 11 ATTORNEY KENNEY: 12 Same objections. You can answer. 13 A.My pipes aren't breaking on me. 14 BY ATTORNEY WESLANDER: 15 Q.It sounds like that you are aware of the 16 allegations in this case are essentially that NIBCO 17 piping installed in your home leaked. 18 A.Yes. 19 Q.And we'll talk through --- we'll talk through the 20 individual instances as we get farther along. As far 21 as some personal matters and background about 22 yourself, where were you born, sir? 23 A.In Scranton. 24 Q.Oh okay. Lived around here your whole life? 25 A.Yes.</p>
<p style="text-align: right;">Page 11</p> <p>01 P-E-X? 02 A.I don't know what it stands for. I assume it's 03 the pipe, the flexibility of pipe and the material. 04 Q.Yeah. It's material, basically plastic, for lack 05 of a better term, type of a tubing or plumbing. And I 06 might use tubing or piping interchangeably, but to 07 mean basically the pipe that water goes through. So 08 if I say PEX plumbing, PEX tubing, I'm referring to 09 that actual piping. I might refer to NIBCO PEX 10 specifically as PEX manufactured by NIBCO. 11 A.Okay. 12 Q.So do you understand that you are a Plaintiff in 13 a lawsuit? 14 A.Yes. 15 Q.And to the best of your understanding what are 16 the allegations you're making against NIBCO? 17 ATTORNEY KENNEY: 18 I'm going to object to the extent it 19 calls for a legal conclusion, but you can answer to 20 the extent you understand it. 21 A.They're not standing by their warranty. 22 BY ATTORNEY WESLANDER: 23 Q.And what compensation are you seeking from NIBCO 24 in this case? 25 ATTORNEY KENNEY:</p>	<p style="text-align: right;">Page 13</p> <p>01 Q.Now in your household --- well, how long have you 02 lived at your current address? 03 A.Nine years. 04 Q.And what was your address prior to that? 05 A.901 Glenwood Road in Old Forge. 06 Q.And how long were you at that residence? 07 A.Thirty-four (34) years. 08 Q.As far as other members of your household you 09 have your wife Sarah who's here today, with us in this 10 room; right? Anybody else? You have a daughter; 11 correct? 12 A.Yes. 13 Q.And she is? 14 A.Nine. 15 Q.Nine; okay. Anybody else? 16 A.No. 17 Q.And it looks like in this matter you had some 18 involvement of, I think, your father Jim? Is that 19 right? 20 A.That's correct, yes. 21 Q.Can you tell me how it is that your father came 22 to be involved potentially I guess as a witness in 23 this case? 24 A.He lives right next door, and when I'm working he 25 was the guy who opened the door for the plumbers, and</p>

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<p style="text-align: right;">Page 14</p> <p>01 to that extent.</p> <p>02 Q.Okay.</p> <p>03 A.He was the guy mostly always around.</p> <p>04 Q.Got you. And what is your occupation?</p> <p>05 A.I work for the Pennsylvania Turnpike Commission.</p> <p>06 Q.What is your title there?</p> <p>07 A.I'm the maintenance person.</p> <p>08 Q.Like a ---?</p> <p>09 A.I'm head of the maintenance at the particular</p> <p>10 location.</p> <p>11 Q.Oh, okay. And which one is that?</p> <p>12 A.Wilkes-Barre.</p> <p>13 Q.Well, I hope you don't have too much ice and snow</p> <p>14 ahead of you in the next couple days.</p> <p>15 A.It's been a white winter.</p> <p>16 Q.How long have you had that position?</p> <p>17 A.Twenty-eight (28) years. I'm sorry. I had that</p> <p>18 position for about a year. I've been with the company</p> <p>19 for 28 years.</p> <p>20 Q.Got you. What is your educational background?</p> <p>21 A.High school.</p> <p>22 Q.Where did you go to high school?</p> <p>23 A.Old Forge.</p> <p>24 Q.Remember what year you graduated?</p> <p>25 A.'88.</p>	<p style="text-align: right;">Page 16</p> <p>01 then being built that you had selected or what?</p> <p>02 A.It's a lot. It was a couple of lots put</p> <p>03 together, and I think there's three lots exactly, and</p> <p>04 we just built there. It was open. It was a piece of</p> <p>05 ground. That's the best I can do for now.</p> <p>06 Q.I got it. So you liked this location and picked</p> <p>07 the lot, and decided to have a home built on this</p> <p>08 site.</p> <p>09 A.Yes.</p> <p>10 Q.And tell me a bit about the configuration of the</p> <p>11 home. How many stories? How many bedrooms? Things</p> <p>12 like that.</p> <p>13 A.Two stories. I believe it's 2,700 give or take</p> <p>14 on that.</p> <p>15 Q.And how many bedrooms?</p> <p>16 A.Three.</p> <p>17 Q.And how many baths?</p> <p>18 A.Three.</p> <p>19 Q.Who designed the home?</p> <p>20 A.Actual design was --- well, I guess them. It was</p> <p>21 one of their architects from one of their plants.</p> <p>22 Q.When you say them, you mean Hometown.</p> <p>23 A.Hometown Builders.</p> <p>24 Q.Do you know anymore about who that person would</p> <p>25 have been?</p>
<p style="text-align: right;">Page 15</p> <p>01 Q.And I can't remember if I asked where you were</p> <p>02 born.</p> <p>03 A.The actual hospital is in Scranton. I've lived</p> <p>04 in Old Forge my whole life, the town.</p> <p>05 Q.I did ask that. Now I remember. Do you have any</p> <p>06 experience with construction, home construction?</p> <p>07 A.No.</p> <p>08 Q.What about any experience with installing or</p> <p>09 repairing plumbing?</p> <p>10 A.None. Zero.</p> <p>11 Q>Your current home, when did you buy it?</p> <p>12 A.We built it.</p> <p>13 Q.Okay.</p> <p>14 A.In about 2007 they broke ground. We took</p> <p>15 possession in 2008, February of 2008.</p> <p>16 Q.And the name of the company that built your home</p> <p>17 was what?</p> <p>18 A.Hometown Builders.</p> <p>19 Q.How did you come to choose Hometown Builders?</p> <p>20 A.Just randomly, by going to different builders and</p> <p>21 seeing their houses and getting their bids.</p> <p>22 Q.Was this a new subdivision where a lot of homes</p> <p>23 were being built in the same place?</p> <p>24 A.No.</p> <p>25 Q.Tell me more. Was it more of a single location</p>	<p style="text-align: right;">Page 17</p> <p>01 A.No.</p> <p>02 Q.Do you know who installed the plumbing as your</p> <p>03 home was being built?</p> <p>04 A.The actual plumber? No. I don't remember him.</p> <p>05 It was a subcontractor by them.</p> <p>06 Q.And that was my next question is who hired the</p> <p>07 plumber?</p> <p>08 A.Hometown Builders.</p> <p>09 Q.And do you know in your home was there PEX piping</p> <p>10 used for hot and cold water?</p> <p>11 A.I believe there is, yes.</p> <p>12 Q.Do you have any radiant heat in the house? What</p> <p>13 I mean by that is, you know, a waterline specifically</p> <p>14 with hot water running under a floor or something like</p> <p>15 that to warm the floor.</p> <p>16 A.No. We do not have that.</p> <p>17 Q.All right. Because you didn't hire the plumber</p> <p>18 or don't know the plumber I'm guessing that means you</p> <p>19 didn't rely on this particular plumber's experience or</p> <p>20 qualifications or anything like that. Fair enough?</p> <p>21 A.Yes.</p> <p>22 Q.And you didn't consider other plumbers or get</p> <p>23 multiple bids on plumbers or anything like that.</p> <p>24 ATTORNEY KENNEY:</p> <p>25 Object to the form. You can answer.</p>

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<p style="text-align: right;">Page 18</p> <p>01 BY ATTORNEY WESLANDER:</p> <p>02 Q.Did you get any bids on other plumbers?</p> <p>03 A.No.</p> <p>04 Q.Did you look into the qualifications of any other</p> <p>05 plumbers?</p> <p>06 A.No.</p> <p>07 Q.Do you know who picked the materials that were</p> <p>08 used for the plumbing of your home?</p> <p>09 A.Do I know personally? No. I would assume it was</p> <p>10 either a plumber or Hometown Builder would have got</p> <p>11 it, either one of them. Somebody bought it. I had</p> <p>12 nothing to do with it.</p> <p>13 Q.And I think I know the answer to this, but do you</p> <p>14 have any idea why they would have selected the</p> <p>15 materials that they did?</p> <p>16 A.No.</p> <p>17 Q.And I'm guessing that you didn't have any input</p> <p>18 on the brand of piping to be used.</p> <p>19 A.No.</p> <p>20 Q.Had you ever prior to this home being built and</p> <p>21 moving in, had any experience with either PEX or with</p> <p>22 NIBCO?</p> <p>23 A.No.</p> <p>24 Q.But just to clarify you have --- I don't need to</p> <p>25 ask these questions if you've never had the discussion</p>	<p style="text-align: right;">Page 20</p> <p>01 A.No; not on the plumbing. No.</p> <p>02 Q.What about the fittings that connect to the</p> <p>03 piping? Did you have any input as far as how those</p> <p>04 were selected in construction?</p> <p>05 A.No.</p> <p>06 Q.No input as far as how they were selected or how</p> <p>07 they were installed in your home; fair enough?</p> <p>08 A.Correct. Correct.</p> <p>09 Q.Tell me a little bit about the plumbing system of</p> <p>10 your home. I want to ask a couple things about that.</p> <p>11 Do you have like a recirculation pump or recirculation</p> <p>12 system?</p> <p>13 A.No.</p> <p>14 Q.Have you ever had one of those?</p> <p>15 A.No.</p> <p>16 Q.What about an expansion tank? Do you have one of</p> <p>17 those?</p> <p>18 A.I don't know what that is.</p> <p>19 Q.To the best of your recollection how did you</p> <p>20 become to be a Plaintiff in this case?</p> <p>21 A.The pipes started to break.</p> <p>22 Q.Let me be a little more specific. Sorry about</p> <p>23 that.</p> <p>24 A.It's all right.</p> <p>25 Q.At what point did you realize there's a lawsuit</p>
<p style="text-align: right;">Page 19</p> <p>01 with the plumber --- you don't know the identity of</p> <p>02 the company or the person that plumbed your home, so</p> <p>03 fair to say you haven't had any conversations with</p> <p>04 them about anything.</p> <p>05 A.Yes.</p> <p>06 Q.At least anything related to this lawsuit that</p> <p>07 you know of.</p> <p>08 A.Correct.</p> <p>09 Q.So when did you first learn that the plumbing in</p> <p>10 your home had NIBCO manufactured products in it?</p> <p>11 A.After the second pipe busted.</p> <p>12 Q.And how did you learn that?</p> <p>13 A.We started to do some research on the pipe</p> <p>14 because it broke again.</p> <p>15 Q.When you say we who's we?</p> <p>16 A.Well, me and my father.</p> <p>17 Q.Did you ever --- sorry if this sounds like I'm</p> <p>18 covering things we've already talked about, but I want</p> <p>19 to make sure I cover the bases. When you got your new</p> <p>20 home did you receive with it any documentation related</p> <p>21 to plumbing?</p> <p>22 A.No; not that I know of.</p> <p>23 Q.So you didn't get any brochures, insulation</p> <p>24 guides, a warranty, or anything like that related to</p> <p>25 the plumbing?</p>	<p style="text-align: right;">Page 21</p> <p>01 and I want to be part of it?</p> <p>02 A.After we received the letter; after we had first</p> <p>03 contact with NIBCO. They sent us a letter rejecting</p> <p>04 us, and we did more research and found out about the</p> <p>05 lawsuit.</p> <p>06 Q.Do you remember what research you did?</p> <p>07 A.Just searching NIBCO piping on the internet; a</p> <p>08 lawsuit or problems with NIBCO; something of that</p> <p>09 sort.</p> <p>10 Q.And that led you to some kind of a site.</p> <p>11 A.That's correct; into a site about all the</p> <p>12 problems, and that's how we entered into that.</p> <p>13 Q.All right. And do you have some kind of a signed</p> <p>14 agreement with Counsel to make you part of the case,</p> <p>15 or a representation agreement with your Counsel?</p> <p>16 A.Yes.</p> <p>17 Q.Have you ever been promised any kind of a bonus</p> <p>18 or incentive to sign up and become part of a case?</p> <p>19 A.No.</p> <p>20 Q.Let's talk through the leaks. If you have</p> <p>21 difficulty recalling the details of them we have the</p> <p>22 documentation you've given us. We can refer to those</p> <p>23 if you need to, and we'll probably go through them at</p> <p>24 some point. But as you sit here today do you remember</p> <p>25 the first incident that you had with the plumbing in</p>

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<p style="text-align: right;">Page 22</p> <p>01 your home that we're here about today?</p> <p>02 A.Yes.</p> <p>03 Q.When was that?</p> <p>04 A.I don't have the exact date. It's all in the</p> <p>05 documents.</p> <p>06 Q.Approximately.</p> <p>07 A.Again, I don't remember. Maybe March or April.</p> <p>08 I came downstairs and my basement was essentially a</p> <p>09 viaduct, like a mist, and I looked and there was a</p> <p>10 pipe that was spewing out the water and like a vapor</p> <p>11 mist out through the basement. Water on the floor.</p> <p>12 Q.And you think this would have been sometime in</p> <p>13 the spring?</p> <p>14 A.Again, I don't remember the dates.</p> <p>15 Q.Okay.</p> <p>16 A.Everything should be in the documents.</p> <p>17 Q.Sure. This time that you're describing where you</p> <p>18 came downstairs and saw a vapor mist, was that the</p> <p>19 first indication you had had that there was some kind</p> <p>20 of an issue with ---?</p> <p>21 A.Yes.</p> <p>22 Q.I'm sorry. An issue with the piping or plumbing</p> <p>23 in your home. That was that first time?</p> <p>24 ATTORNEY KENNEY:</p> <p>25 Object to the form of the question.</p>	<p style="text-align: right;">Page 24</p> <p>01 Q.And what is in your basement? I mean, do you</p> <p>02 store things there?</p> <p>03 A.Exercise equipment, Christmas decorations, patio</p> <p>04 furniture in the winter, pool stuff in the winter,</p> <p>05 pool stuff during the summer, shelving for different</p> <p>06 appliances that we only use occasionally, and dishes,</p> <p>07 stuff like that, clothing from out of season.</p> <p>08 Q.So in this particular case, the first time you</p> <p>09 remember having this issue, you said you called the</p> <p>10 plumber. Did you do anything between the time you</p> <p>11 called? Well, let me ask it this way. Did you do</p> <p>12 anything to inspect and in fact find out what was</p> <p>13 going on other than calling the plumber?</p> <p>14 A.No.</p> <p>15 Q.Did you shut the water off or anything like that?</p> <p>16 A.Yes.</p> <p>17 Q.Okay. Okay. And where do you remember in your</p> <p>18 house? Did you shut it off at a particular location,</p> <p>19 or did you just shut off the main water?</p> <p>20 A.I shut off the main water. I'm sorry. I did</p> <p>21 not. I shut it off from the water tank.</p> <p>22 Q.You mean the water heater?</p> <p>23 A.Correct.</p> <p>24 Q.And why there?</p> <p>25 A.Because it was the red line coming out of there</p>
<p style="text-align: right;">Page 23</p> <p>01 ATTORNEY WESLANDER:</p> <p>02 Let me ask it and let me rephrase it.</p> <p>03 BY ATTORNEY WESLANDER:</p> <p>04 Q.This time you just described when you came</p> <p>05 downstairs and you're seeing a mist, was that the</p> <p>06 first time you had any indication there was an issue</p> <p>07 with the piping in your home?</p> <p>08 A.Yes, because it broke. Yes. I would say if</p> <p>09 something's broke, yes.</p> <p>10 Q.What did you do in this instance once you saw</p> <p>11 this happening?</p> <p>12 A.Called the plumber.</p> <p>13 Q.And did you discover this yourself, or had</p> <p>14 someone else?</p> <p>15 A.No. I discovered it.</p> <p>16 Q.Okay. Tell me, do you remember what time of day</p> <p>17 it was, or what day of the week?</p> <p>18 A.It was in the morning, and I believe it was on</p> <p>19 the weekend, Sunday.</p> <p>20 Q.Did you just happen to come downstairs and saw</p> <p>21 it, or did you hear something?</p> <p>22 A.I happened to just come downstairs.</p> <p>23 Q.And this is a basement. Tell me about your</p> <p>24 basement and how it's set up?</p> <p>25 A.It's not finished.</p>	<p style="text-align: right;">Page 25</p> <p>01 that was doing it, that was coming from right</p> <p>02 directly, the pipe that's going up from the water</p> <p>03 heater.</p> <p>04 Q.Okay.</p> <p>05 A.So I knew enough to --- so I just shut that off.</p> <p>06 Q.Did it appear to be water coming out of the water</p> <p>07 heater then?</p> <p>08 A.No.</p> <p>09 Q. The line that was leaking, was it a line that was</p> <p>10 coming from the water heater then?</p> <p>11 A.It was the PEX tubing that made its ascent up.</p> <p>12 Then it started going across. That's where it broke.</p> <p>13 Q.And tell me as close as you can remember, on the</p> <p>14 tubing as far as where was it in comparison to the</p> <p>15 water heater? How many inches from the top of the</p> <p>16 water heater say?</p> <p>17 A.I don't recall how far it was, but it was</p> <p>18 somewhere in between the tank and the ceiling to make</p> <p>19 the run.</p> <p>20 Q.Do you remember if it was near any kind of a</p> <p>21 joint?</p> <p>22 A.No, it was not.</p> <p>23 Q.And what did you see as far as looking at the</p> <p>24 actual pipe? Either before or after you shut it off</p> <p>25 did you make any observations about the pipe itself?</p>

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<p style="text-align: right;">Page 26</p> <p>01 A.No. I shut it off and I waited until the plumber 02 came. I didn't do any --- it definitely had a crack 03 in it, but I didn't go examining it at that point. I 04 just shut the water off. I called him, and he came 05 about an hour or so later. 06 Q.And in this case did you see --- before you shut 07 the water off what did you see when you looked at the 08 pipe? 09 A.Water, like a water mist spewing all over the 10 side of the wall, and of course a whole bunch of water 11 on my floor. 12 Q.And was this Lameo? 13 A.Lameo. 14 Q.Lameo Plumbing that came? 15 A.Yes. 16 Q.And you said it took him about an hour. 17 A.A couple hours, hour and a half. He was very 18 fast. It wasn't --- as a matter of fact I don't think 19 my wife even knew it had happened. She was still 20 sleeping. 21 Q.That is fast. What did they do to repair it? Do 22 you know? 23 A.He replaced that section. 24 Q.Did you watch him do his work? 25 A.No. I wasn't down there when he was doing it.</p>	<p style="text-align: right;">Page 28</p> <p>01 I'm marking as Exhibit 1. And I will tell you that 02 this is a notice of your deposition today. Have you 03 seen that document before today? 04 (Exhibit 1 marked for identification.) 05 A.No. 06 BY ATTORNEY WESLANDER: 07 Q.It's really just a kind of a formality. 08 A.Okay. 09 Q.It puts everyone on notice of your deposition 10 today. Let me ask, in the top part of that page there 11 is some names that are all in capital letters, the 12 names of the Plaintiffs. Can you take a moment and 13 read those, and let me know if other than yourself and 14 your spouse if you know any of the names there, have 15 ever met any of these people, or had conversations or 16 communications with them? 17 ATTORNEY KENNEY: 18 I'm going to object to the form. You 19 mean know of them generally? 20 ATTORNEY WESLANDER: 21 Well let me rephrase. 22 BY ATTORNEY WESLANDER: 23 Q.The other listed Plaintiffs there I'm going to 24 ask if you knew any of them prior to this lawsuit or 25 have had any communications with any of them.</p>
<p style="text-align: right;">Page 27</p> <p>01 Q.Do you know what kind of material he used to 02 replace this pipe with? 03 A.No, I don't. 04 Q.And did you give any input to the plumber as far 05 as materials to use or how to fix it? 06 A.No. 07 Q.Do you know what happened in this very first 08 instance? Did they give you back the piece of pipe 09 they cut out or anything like that? 10 A.It was left there; yes. 11 Q.What happened to that piece of pipe? 12 A.I sent it to NIBCO. 13 Q.In this case was there damage to your home? 14 A.No. 15 Q.Damage to any personal property you had down in 16 the basement? 17 A.No. 18 Q.I'm sorry? 19 A.No. 20 Q.No, okay. Let me go ahead and actually mark a 21 couple exhibits, and I should say by the way. I 22 didn't mention this at the beginning. If you ever 23 need to take a break just let me know. 24 A.Okay. 25 Q.For whatever reason. I'm going to hand you what</p>	<p style="text-align: right;">Page 29</p> <p>01 A.Nobody on this list looks familiar to me. 02 Q.I think this will make it a little easier if you 03 have the records you've given us as we talk through 04 the rest of these repairs. So let me mark as Exhibit 05 2, if I can find my stickers, and I will represent to 06 you that these are documents we have received from 07 your Counsel that are labeled as your records and 08 response to a record request for documents. 09 (Exhibit 2 marked for identification.) 10 ATTORNEY KENNEY: 11 This is Exhibit 2? 12 ATTORNEY WESLANDER: 13 Exhibit 2; correct. Yes. 14 BY ATTORNEY WESLANDER: 15 Q.Can you just take a moment and leaf through these 16 and let me know when you've had a chance to look at 17 them, and I'll ask you questions about individual 18 ones. Have you had a chance to look at them? 19 A.Yes. 20 Q.Let's turn to page --- down at the bottom right 21 they have numberings on them, and let's look at the 22 one ending in 004 in the bottom right-hand corner. 23 A.What page? I'm sorry? 24 Q.It will be the fourth page, and it should be an 25 invoice dated December 15th, 2013 from Lameo.</p>

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<p style="text-align: right;">Page 30</p> <p>01 A.Okay.</p> <p>02 Q.Are we on the same page here?</p> <p>03 A.I got it.</p> <p>04 ATTORNEY KENNEY:</p> <p>05 Just so you know, down here it is.</p> <p>06 BY ATTORNEY WESLANDER:</p> <p>07 Q.They're kind of small. There's the numbers I'm</p> <p>08 referring to. Just one of those things lawyers do so</p> <p>09 they don't get pages mixed up.</p> <p>10 A.I understand.</p> <p>11 Q.So this is an invoice from Lameo. I'm never</p> <p>12 going to say it right; Lameo Plumbing.</p> <p>13 A.Lameo (corrects pronunciation).</p> <p>14 Q.Lameo Plumbing, December 15th, 2013. And do you</p> <p>15 see in the middle of the page it's describing an</p> <p>16 emergency call for water leak on PEX pipe near water</p> <p>17 heater?</p> <p>18 A.That's correct.</p> <p>19 Q.A moment ago you described the first leak that</p> <p>20 you saw being around March or April. I want to just</p> <p>21 clarify, this one is December of 2013. Do you think</p> <p>22 that's the right date of what you were thinking of a</p> <p>23 moment ago, or is this a different issue?</p> <p>24 A.That is the right date. Now I remember. The</p> <p>25 Christmas tree wasn't assembled in the corner when</p>	<p style="text-align: right;">Page 32</p> <p>01 A.I believe so.</p> <p>02 Q.Let's turn to the next page, and this is the one</p> <p>03 labeled 005 in the bottom right-hand corner. And now</p> <p>04 we're looking at an invoice dated April of 2014. Do</p> <p>05 you see that?</p> <p>06 A.Yes.</p> <p>07 Q.And I'm going to read here in the note section or</p> <p>08 description section in the middle. Quote, emergency</p> <p>09 call for leak on PEX water main. Replaced section of</p> <p>10 PEX piping in basement. Did I read that correctly?</p> <p>11 A.Yes.</p> <p>12 Q.What do you remember as you look at this invoice</p> <p>13 about this second incident?</p> <p>14 A.It was pretty much the same thing as the first</p> <p>15 one.</p> <p>16 Q.Do you remember discovering it?</p> <p>17 A.Yes. That was a Sunday morning. I believe that</p> <p>18 was Palm Sunday. I remember that one.</p> <p>19 Q.What happened?</p> <p>20 A.Same thing. I went downstairs to get something,</p> <p>21 and then the same situation as the first time.</p> <p>22 Q.And by same situation do you mean you see a mist</p> <p>23 throughout your basement?</p> <p>24 A.Yes.</p> <p>25 Q.And where in relation to the first leak was this?</p>
<p style="text-align: right;">Page 31</p> <p>01 that broke. We have a Christmas tree in three or four</p> <p>02 pieces that we set right up in the corner, and it was</p> <p>03 not there. It would have been getting soaking wet.</p> <p>04 But it wasn't there. I just remembered.</p> <p>05 Q.You had a use for it this time of year.</p> <p>06 A.Yeah.</p> <p>07 Q.And so what you just described as far as the mist</p> <p>08 and spraying and going down into your basement, would</p> <p>09 it be fair to say you're talking about this first, in</p> <p>10 December of 2013.</p> <p>11 A.That's correct. That would be the one; right.</p> <p>12 Q.Good. And I realize that it probably would be</p> <p>13 easier to get these in front of you because it's been</p> <p>14 a few years. It looks like on this one they charged</p> <p>15 you \$75. Is that correct?</p> <p>16 A.That's correct; yes.</p> <p>17 Q.And do you think, even on this first one you</p> <p>18 would have kept the pipe and returned this particular</p> <p>19 section of pipe to NIBCO?</p> <p>20 A.It was laying on top. He left it on the side of</p> <p>21 when he was doing the job. We just never moved that.</p> <p>22 Q.So even this first incident from December of</p> <p>23 2013, if I understand correctly, you kept the pipe</p> <p>24 from that and still would have had it, and sent it</p> <p>25 back to NIBCO?</p>	<p style="text-align: right;">Page 33</p> <p>01 Could you tell where the water was coming from in this</p> <p>02 case?</p> <p>03 A.Yes. Essentially the same area.</p> <p>04 Q.Was it from an area farther away from or closer</p> <p>05 to the water heater?</p> <p>06 A.It was near the water heater. Same thing. The</p> <p>07 water heater area again.</p> <p>08 Q.And can you say one way or another whether it was</p> <p>09 farther away or closer to the water heater from the</p> <p>10 first one?</p> <p>11 A.It was on the same line up. I believe it was on</p> <p>12 the same line.</p> <p>13 Q.And would it have been farther away from the top</p> <p>14 of the water heater or closer to the heater?</p> <p>15 A.This one was high, because it was shooting into</p> <p>16 the insulation.</p> <p>17 Q.One of the reasons I'm trying to pin this down is</p> <p>18 I'm guessing it wasn't on the section that had been</p> <p>19 replaced the first time around.</p> <p>20 A.It was on that section. It was the same NIBCO</p> <p>21 piping that was --- now that I'm thinking about it</p> <p>22 maybe you have --- I think he just cut off the piece</p> <p>23 and just reattached it, now that I'm thinking about</p> <p>24 it.</p> <p>25 Q.The first time around?</p>

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<p style="text-align: right;">Page 34</p> <p>01 A.Yes. It was on the lower end and there was a lot 02 of slack, and he just cut it and attached it. At that 03 time we didn't think of any problem, so it was the 04 same piece of piping. 05 Q.So let me make sure I understand. The very first 06 repair that we talked about there was some slack in 07 the pipe where he didn't need to ---. 08 A.He just joined them back up I believe. 09 Q.Cut out the leaking part. 10 A.Right. 11 Q.And reattached it. 12 A.Reattached it. 13 Q.Interesting. Okay. So it could have been then 14 the same distance from the top of the water heater the 15 second time around approximately; right? 16 A.It was on the same pipe; yes. 17 Q.Okay. Okay. 18 A.But it was definitely high, because it was going 19 into the insulation. 20 Q.Got you. And again, like you said the first 21 time, a mist. 22 A.Same thing. A mist. Like a water coming out 23 like a mist. 24 Q.On the second time in April of 2014 do you 25 remember how long it took the plumber to get there?</p>	<p style="text-align: right;">Page 36</p> <p>01 Q.And what did you do next? 02 A.We called the plumber. 03 Q.And at some point your father came by the house 04 that morning. Is that right? 05 A.Uh-huh (yes). 06 Q.That's a yes? 07 A.Yes. I'm sorry; yes. 08 Q.No problem. What was your discussion with him as 09 best you can recall about the plumbing issue? 10 A.Well we were cleaning up, and then Lameo called 11 us back and he said he's going to be down whatever 12 time. And that's when we first --- we asked him is 13 this unusual, and he said no. That's when we started 14 pursuing everything, investigating. 15 Q.Do you know what Lameo did in terms of its repair 16 the second time? 17 A.That time he replaced the whole entire section. 18 Q.And did you observe him do that work? 19 A.Yes. I saw him. 20 Q.When you say the entire section how much of a 21 section are we talking about? 22 A.Well, from the heater to the joint that starts 23 running the main line, which I don't know, 13 courses 24 a block, so I don't know about --- how wide, four 25 feet? Four, five feet.</p>
<p style="text-align: right;">Page 35</p> <p>01 A.Same thing. He was there relatively quick. A 02 few hours, a couple hours. 03 Q.Well, going back to the first one, does looking 04 at this April invoice change your recollection of 05 whether the December 2013 incident was also on a 06 weekend? 07 A.I believe that was on a weekend, too. I believe 08 that was a Saturday if I'm not mistaken. 09 Q.So first one, to the best of your recollection, 10 was Saturday. The next one on a Sunday. 11 A.So I was off both days, and I ran into it, and I 12 know she was home. I believe she was home, and my 13 father was home. So they were both weekends. 14 Q.Got you. 15 A.This one was Palm Sunday. I remember, because my 16 father was going to church and he came over. 17 Q.Okay. Did he see this? 18 A.Yes. 19 Q.So he saw it. Did he see the water spraying that 20 day? 21 A.Yes. 22 Q.Did you shut off --- well, when you saw the spray 23 happening the second time what was your immediate 24 reaction? 25 A.I shut the water off again.</p>	<p style="text-align: right;">Page 37</p> <p>01 Q.And did you give him, the plumber, any particular 02 instructions about how to do this work? 03 A.No. 04 Q.So you didn't tell him use XYZ type of materials? 05 A.No. 06 Q.And do you have any idea in materials used on the 07 second repair what Lameo used? 08 A.No, I don't. I don't know. 09 Q.In both times --- well let me ask this. The 10 second leak, I know you described it being higher up. 11 Could you see if there was any kind of a fitting, 12 joint, clamp, nearby it? 13 A.No. It was in the middle. It was in the middle 14 of a pipe. 15 Q.And it looks like this time they charged you \$80. 16 Is that right? 17 A.Yes. 18 Q.And do you know, in this case, what happened to 19 the pipe that they removed? 20 A.That's the one, that went to NIBCO. I believe 21 that definitely went to NIBCO. Now the other piece, 22 I'm thinking there might have been a smaller piece. I 23 think we sent two pieces, but I don't recall now. 24 Q.When you say the other one are you referring 25 to ---?</p>

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<p style="text-align: right;">Page 38</p> <p>01 A.That was the first time. I'm refreshing my 02 memory now on all this. 03 Q.So you think you may have actually had a bit of 04 the pipe that was cut out from the first repair? 05 A.A possibility. 06 Q.As far as the second incident, was there --- did 07 the leak damage your home? 08 A.No. 09 Q.Okay. 10 ATTORNEY KENNEY: 11 Object to the form of the question. 12 Object to the extent it calls for expert testimony, 13 but from your own conclusion. 14 BY ATTORNEY WESLANDER: 15 Q.Well, did you see any damage to your home from 16 this second incident? 17 A.No. 18 Q.Did you have any personal belongings in the 19 basement that were damaged because of this? 20 A.No. 21 Q.Let's go ahead and look at the next page. At the 22 bottom right I'm seeing number 006, and do you see 23 that it is another Lameo invoice dated June 7, 2014? 24 A.Yes. 25 Q.And I'm going to read again the descriptions just</p>	<p style="text-align: right;">Page 40</p> <p>01 heater, and they made the connection to run the lines. 02 This one was in the line about five or six feet away 03 from the water heater. 04 Q.So it would have been a section of pipe that was 05 going horizontal. 06 A.Correct. 07 Q.And was it a --- with all of these three were 08 they all red? 09 A.Yes. 10 Q.So they appeared to be anyway a hot water line. 11 A.Yes. 12 Q.If you assumed that red is hot. 13 A.Right. It was causing humidity in the air and 14 everything. 15 Q.Right. You could feel the heat from it. 16 A.Right. 17 Q.And then in this one did you --- you said you 18 shut off the water waiting for Lameo to come again? 19 A.Yes. 20 Q.Was there anybody else here to witness this third 21 incident? 22 A.My father again. 23 Q.How did he come to be here to witness it? 24 A.I called him. 25 Q.What did you say?</p>
<p style="text-align: right;">Page 39</p> <p>01 to get it in the record here. Emergency call for 02 water leak in basement of home. Found leak on PEX 03 piping hot water main. Replaced a section of PEX 04 piping. Did I read that accurately? 05 A.Yes. 06 Q.So let's talk about this incident. We are now 07 about two months, not quite two months after the prior 08 repair from April 2014. What do you remember about 09 this incident? 10 A.Again, I walked down. As soon as I walked down I 11 felt humidity in the air and the mist in the basement 12 when I was coming down the steps. 13 Q.And what did you do then? 14 A.Same thing as I did before. I shut the water 15 off. 16 Q.And obviously it looks like you called Lameo 17 again. 18 A.Correct. 19 Q.Do you remember though in relation to the two 20 prior incidents that we've looked at, where this leak 21 was occurring? 22 A.This one was in the main line now. 23 Q.Okay. Describe that for me. 24 A.It was about five or six feet down the line, 25 where you had your tube that came off the water</p>	<p style="text-align: right;">Page 41</p> <p>01 A.I got another water leak. This is after we 02 received the letter from NIBCO denying anything. 03 Q.And so he came over to do what basically? 04 A.Help me clean up again. 05 Q.And is it on this incident that you took some 06 video to the best of your recollection? 07 A.I don't remember which one I took video of, but I 08 took video of one. 09 Q.When Lameo came on this third visit do you 10 remember how long it took them to get there? 11 A.He was there the same day, a few hours. 12 Q.And what did they do this time as far as the 13 repair? 14 A.I witnessed him cut that out and replace that 15 section. 16 Q.How long of a section? 17 A.I don't recall. 18 Q.And can you describe the leak on the horizontal 19 section of the pipe? Was it near, again, any kind of 20 clamp or fitting? 21 A.No. 22 Q.And was this also a mist like you described 23 previously? 24 A.Yes. It was going all over the wall and my 25 weights, which were maybe five feet away.</p>

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<p style="text-align: right;">Page 42</p> <p>01 Q.And what happened to the piece of piping removed 02 on this visit in June 2014? 03 A.I don't recall that. 04 Q.So to the best of your recollection what you 05 would have sent to NIBCO would have been a sample from 06 April 2014 and possibly ---. 07 A.Definitely from the second one. Possibly the 08 first one was in there, too. 09 Q.Okay. 10 A.I don't recall that. 11 Q.And we'll look at those documents as well. In 12 fact, we can probably just look at them right now as 13 long as we have this same exhibit in front of you. So 14 I'm going to look at the very first page of this 15 Exhibit 2. It should say Product Return Authorization 16 up at the top with a NIBCO logo there. Do you see 17 that? 18 A.Okay. 19 Q.This is a document you produced to us. I will 20 represent it's a kind of a form that NIBCO uses and 21 sends people when they're going to return a part. Do 22 you remember getting a piece of paper like this and 23 sending it back to NIBCO? 24 A.I don't remember the paper. 25 Q.Do you remember how you first decided that you</p>	<p style="text-align: right;">Page 44</p> <p>01 A.Not happy. 02 Q.What did you do once you saw this? 03 ATTORNEY KENNEY: 04 Object to the form of the question. You 05 can answer. 06 A.We pursued on getting a consult. 07 BY ATTORNEY WESLANDER: 08 Q.Have you done at any time --- and I'm not asking 09 about within this lawsuit, the things that your 10 Counsel may be doing, have you ever done any 11 independent testing or examination of the materials 12 that Lameo removed from your home, the PEX materials? 13 A.Me personally? 14 Q.Right. 15 A.No. 16 Q.On this third week from June 2014, did this leak 17 damage to your home? 18 ATTORNEY KENNEY: 19 Object to the extent it calls for expert 20 testimony or a legal conclusion, but you can answer. 21 A.No. 22 BY ATTORNEY WESLANDER: 23 Q.As far as personal property, the goods that you 24 had downstairs, did you have damage to anything like 25 that?</p>
<p style="text-align: right;">Page 43</p> <p>01 were going to contact NIBCO directly? 02 A.Can you repeat that please? 03 Q.At what point did you realize that you were going 04 to try to contact NIBCO? 05 A.After the second break, and the plumber said this 06 is not typical. 07 Q.So what did you do to the best of your 08 recollection as far as reaching out to NIBCO? 09 A.We called their 800 number, I believe it was, and 10 we explained the situation. And they asked us to send 11 the piece of pipe, and we did. 12 Q.Let me back up on this third repair from June 13 2014. Do you have any idea what Lameo did to repair 14 it in terms of selecting materials? 15 A.No. 16 Q.So they selected the materials. You didn't give 17 them input on that. 18 A.No, I didn't. 19 Q.Let's look just briefly at page two of this 20 exhibit. It has the 002 down in the small type in the 21 bottom right corner there. This is a letter from 22 NIBCO, an Evaluation Response Letter. Do you remember 23 receiving this? 24 A.I do remember this letter. 25 Q.What was your reaction to getting this?</p>	<p style="text-align: right;">Page 45</p> <p>01 A.No. 02 Q.Have you had any issues with your --- June of 03 2014 was the last repair we looked at. And then I see 04 here on the very last page of this exhibit there's an 05 invoice from Lameo again, dated May 19th of 2016. Do 06 you see that? 07 A.Yes. 08 Q.And that's been just within the past year, and 09 since this lawsuit has been pending. And tell me what 10 you remember about this. It refers to here work done 11 on April 25th of 2016. Do you remember what that was? 12 A.Yes. That's where it was dripping, a constant 13 drip, at one of the fittings. 14 Q.Where was this in the basement? 15 A.Same area; six/seven feet. It was a little 16 further out, this one. At the furthest point of any 17 of them. 18 Q.And when you say furthest you mean furthest from 19 that water heater. 20 A.Water heater, yes. 21 Q.And so was it in the same area as the previous 22 leak from June of 2014? Just farther away from the 23 water heater? 24 A.Water heater; yes. Farther down. 25 Q.And when you say it was near a fitting what do</p>

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<p style="text-align: right;">Page 46</p> <p>01 you mean by that?</p> <p>02 A.One of the pipes was joined up.</p> <p>03 Q.And the leak was actually occurring at a fitting?</p> <p>04 A.It was dripping, dripping from the metal, yes.</p> <p>05 Q.No spray or anything like that with this one?</p> <p>06 A.No.</p> <p>07 Q.How did you discover this one?</p> <p>08 A.Going downstairs.</p> <p>09 Q.You just happened to see the drip when you were</p> <p>10 down in the basement?</p> <p>11 A.I saw the water.</p> <p>12 Q.Okay.</p> <p>13 A.And then I looked and there it was dripping.</p> <p>14 Q.What did Lameo tell you about this repair when</p> <p>15 they came to your home?</p> <p>16 A.I don't believe I was down there at the time. He</p> <p>17 came down and he fixed it and that was it. I told him</p> <p>18 I needed a receipt, and that's all he gave me.</p> <p>19 Q.Did he tell you anything about his opinion of the</p> <p>20 cause of it?</p> <p>21 A.We discussed it many times. I don't know if he</p> <p>22 did or not at that time. I know we've discussed it</p> <p>23 prior to that.</p> <p>24 Q.Did they say anything about in this incident from</p> <p>25 May of 2016, it being a problem with the pipe or with</p>	<p style="text-align: right;">Page 48</p> <p>01 A.No.</p> <p>02 Q.But the plumber never told you there was a</p> <p>03 problem with the pipe or a problem with the fitting in</p> <p>04 this case from May 2016.</p> <p>05 A.No.</p> <p>06 Q.No, they never said that?</p> <p>07 A.I don't believe he ever discussed any problems</p> <p>08 specifically with the piping and fittings at that</p> <p>09 point.</p> <p>10 Q.I just want to clarify that. At some point it</p> <p>11 appears you may have --- well, have you ever replumbed</p> <p>12 your basement?</p> <p>13 A.No.</p> <p>14 Q.So other than these repairs that we've looked at</p> <p>15 today from May 2016, June 2014, April 2014, December</p> <p>16 2013, have you had any work done on the plumbing in</p> <p>17 your basement?</p> <p>18 A.Yes.</p> <p>19 Q.And what was that?</p> <p>20 A.When they came to do the water testing. They cut</p> <p>21 a bunch of pipes out.</p> <p>22 Q.Oh. That was for the experts in this litigation.</p> <p>23 A.That's correct.</p> <p>24 Q.But you haven't gone in and pulled out all the</p> <p>25 PEX and replaced it with something else.</p>
<p style="text-align: right;">Page 47</p> <p>01 the fitting? I mean, did they give you any sense of</p> <p>02 what the problem was?</p> <p>03 A.I don't recall.</p> <p>04 Q.And do you have any idea of what materials or</p> <p>05 fittings he used to repair it this time?</p> <p>06 A.No.</p> <p>07 Q.Are you including --- I mean, this has happened</p> <p>08 after this lawsuit has been filed. Are you including</p> <p>09 this as --- when I say this, this repair of May 2016,</p> <p>10 as part of your allegations against NIBCO in this</p> <p>11 case?</p> <p>12 ATTORNEY KENNEY:</p> <p>13 Object to the extent it calls for a</p> <p>14 legal conclusion, but you can answer.</p> <p>15 A.Yes.</p> <p>16 BY ATTORNEY WESLANDER:</p> <p>17 Q.On what basis do you believe that this is related</p> <p>18 to NIBCO?</p> <p>19 ATTORNEY KENNEY:</p> <p>20 Same objection. You can answer.</p> <p>21 A.That was the original piping and fittings that</p> <p>22 were put in the house.</p> <p>23 BY ATTORNEY WESLANDER:</p> <p>24 Q.And this was not an area that had been previously</p> <p>25 repaired.</p>	<p style="text-align: right;">Page 49</p> <p>01 A.Haven't touched anything.</p> <p>02 Q.Have you ever contacted the home builder to</p> <p>03 either complain about the plumbing issues or ask who</p> <p>04 installed the plumbing?</p> <p>05 A.He went out of business a year after the house</p> <p>06 was complete.</p> <p>07 Q.And by the time you first had issues with the</p> <p>08 plumbing he would have already been out of business by</p> <p>09 then; correct?</p> <p>10 A.That's correct.</p> <p>11 Q.So I'm guessing that means no contact with the</p> <p>12 home builder about this stuff.</p> <p>13 A.That's correct.</p> <p>14 Q.Have you had any other leaks or plumbing problems</p> <p>15 that are not documented here in these documents that</p> <p>16 we've looked at? And when I ask about plumbing</p> <p>17 problems, specifically at your home where you live</p> <p>18 now? Have you had any other plumbing problems that we</p> <p>19 haven't talked about here?</p> <p>20 A.I was putting away Christmas decorations and I'm</p> <p>21 starting --- I see a water stain on the concrete and a</p> <p>22 section of piping, and so I believe there's another</p> <p>23 leak starting.</p> <p>24 Q.When was this?</p> <p>25 A.Just a few days ago.</p>

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<p style="text-align: right;">Page 50</p> <p>01 Q.Putting away decorations from Christmas 2016?</p> <p>02 A.Yes.</p> <p>03 Q.Did you see an actual leak or drip, though, based</p> <p>04 on ---?</p> <p>05 A.To water on the bottom. I didn't see any water.</p> <p>06 Q.So you saw a water spot, but you didn't actually</p> <p>07 see the water dripping.</p> <p>08 A.No.</p> <p>09 Q.This last repair from May 2016, did this one</p> <p>10 cause any damage that you know of to your home?</p> <p>11 A.I'm sorry?</p> <p>12 Q.Did this May 2016 cause any damage that you know</p> <p>13 of to your home?</p> <p>14 A.No.</p> <p>15 Q.And any damage to personal property that you know</p> <p>16 of?</p> <p>17 A.No.</p> <p>18 Q.Let's take a short break.</p> <p>19 ATTORNEY KENNEY:</p> <p>20 Sure. Do you want me to step out?</p> <p>21 ATTORNEY WESLANDER:</p> <p>22 I mean, you don't have to. I just want</p> <p>23 to --- I'd like to call up --- let's off the record.</p> <p>24 SHORT BREAK TAKEN</p> <p>25 BY ATTORNEY WESLANDER:</p>	<p style="text-align: right;">Page 52</p> <p>01 community, friends, neighbors, who have had these</p> <p>02 kinds of issues in their homes?</p> <p>03 A.No.</p> <p>04 Q.On the 2016, May 2016 repair that you described</p> <p>05 with the fitting, just to clarify I can't remember</p> <p>06 whether I asked, do you know what happened to the</p> <p>07 fitting that was taken out in that case?</p> <p>08 A.I don't recall that.</p> <p>09 Q.To the best of your recollection on that May 2016</p> <p>10 repair, did Lameo give you anything that they took</p> <p>11 out?</p> <p>12 A.I don't recall what happened to that, where it</p> <p>13 is.</p> <p>14 Q.You don't just have it sitting around to the best</p> <p>15 of your knowledge, though.</p> <p>16 A.No. It's not sitting around. It might be some</p> <p>17 place, but it's not sitting around.</p> <p>18 Q.Okay. Let's look at a couple other documents,</p> <p>19 and then I think we're close to wrapping up. I'm</p> <p>20 going to mark as Exhibit 3 a document that is yours</p> <p>21 and your spouse's Answer to Interrogatories, basically</p> <p>22 written questions. Do you remember ever seeing these</p> <p>23 prior to me handing them to you?</p> <p>24 (Exhibit 3 marked for identification.)</p> <p>25 A.Yes.</p>
<p style="text-align: right;">Page 51</p> <p>01 Q.Mr. Peperno, we are back on the record after a</p> <p>02 short break. Are you ready to proceed?</p> <p>03 A.Yes.</p> <p>04 Q.You realize you're still under oath.</p> <p>05 A.Yes.</p> <p>06 Q.Does your water heater have a pressure release</p> <p>07 valve?</p> <p>08 A.I don't know.</p> <p>09 Q.After you moved into the home --- well, let me</p> <p>10 ask you this way. Have you done anything personally</p> <p>11 to investigate or try to find out whether the plumber</p> <p>12 installed your plumbing properly?</p> <p>13 A.No.</p> <p>14 Q.And you talked to Lameo Plumbing a few times</p> <p>15 about the issues you were having. Did they ever make</p> <p>16 any comments regarding installation of the plumbing?</p> <p>17 A.No.</p> <p>18 Q.I'm sorry?</p> <p>19 A.No.</p> <p>20 Q.And they told you, I think you testified at one</p> <p>21 point that it's not usual to have recurring problems</p> <p>22 like this, but did they tell you anything else about</p> <p>23 what they thought was the cause?</p> <p>24 A.No; just it's not typical.</p> <p>25 Q.Do you know of any other people in your</p>	<p style="text-align: right;">Page 53</p> <p>01 BY ATTORNEY WESLANDER:</p> <p>02 Q.If you turn to the very back we see there's a</p> <p>03 signature page there on the very last page; sorry. A</p> <p>04 verification page, verifying the accuracy of the</p> <p>05 answers, and your signature is there; correct?</p> <p>06 A.Yes.</p> <p>07 Q.Can you take a moment, and we can go off the</p> <p>08 record to do this, but I'd like you to look through</p> <p>09 briefly and just let me know whether to the best of</p> <p>10 your knowledge once you've done that they are still</p> <p>11 true and accurate and complete? So let's go off the</p> <p>12 record, and as much time as you need to take to do</p> <p>13 that is fine.</p> <p>14 SHORT BREAK TAKEN</p> <p>15 BY ATTORNEY WESLANDER:</p> <p>16 Q.Mr. Peperno, you've had a chance to go through</p> <p>17 these Interrogatory answers again. I know there's a</p> <p>18 lot of legalize to get through there. Did you see</p> <p>19 anything in these that's jumped out at you as</p> <p>20 inaccurate or incomplete?</p> <p>21 A.No.</p> <p>22 Q.Thank you for doing that. Let me draw your</p> <p>23 attention --- actually Lameo Plumbing. How did you</p> <p>24 know to call that particular company?</p> <p>25 A.There was somebody we used in the past. The</p>

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<p style="text-align: right;">Page 54</p> <p>01 family used the plumber in the past.</p> <p>02 Q.You didn't know them through anything other than</p> <p>03 having done plumbing at your house before?</p> <p>04 A.Up to that point; no.</p> <p>05 Q.Do you know them socially or have any other</p> <p>06 contact with them outside of repairs for plumbing on</p> <p>07 your home?</p> <p>08 A.Afterwards. They have a daughter that's a few</p> <p>09 years younger than ours.</p> <p>10 Q.Okay.</p> <p>11 A.Sporting events we see them, stuff like that.</p> <p>12 Q.I got you. Okay. Let me draw your attention to</p> <p>13 number 18 on this Exhibit 3 that you just looked at.</p> <p>14 A.On page nine?</p> <p>15 Q.Page nine; thank you. Down in the bottom there's</p> <p>16 a reference to videos taken about June 7th, 2014.</p> <p>17 Does that refresh your memory as far as the timing of</p> <p>18 when you would have taken video?</p> <p>19 A.Yes. I took a video. I know I took a video. I</p> <p>20 didn't recall the date.</p> <p>21 Q.And that would have been --- just plug it in with</p> <p>22 our timeline of the documentation we're looking at ---</p> <p>23 that would have been the time of the third repair.</p> <p>24 First one in December '13. Next on in April 2014.</p> <p>25 Third, June of 2014. Fair enough?</p>	<p style="text-align: right;">Page 56</p> <p>01 A.Right.</p> <p>02 Q.And who took this video? Do you remember?</p> <p>03 A.Me.</p> <p>04 Q.Okay. What did you use?</p> <p>05 A.Cell phone.</p> <p>06 Q.Cell phone, okay. And I don't think there's any</p> <p>07 audio that I've been able to hear. Does that sound</p> <p>08 right to you?</p> <p>09 A.There should have been, but I don't know.</p> <p>10 Q.Okay.</p> <p>11 A.I didn't stop the sound.</p> <p>12 Q.If there's a version out there that has audio ---</p> <p>13 the one that we have does not, unless I'm doing</p> <p>14 something wrong --- can you go back and check and see</p> <p>15 if you have one still with audio, and if so get with</p> <p>16 your Counsel and let them know.</p> <p>17 A.Okay.</p> <p>18 Q.Just in case it has additional information. All</p> <p>19 right. So I'm going to advance the frame forward now,</p> <p>20 and it looks like I've gone another five seconds.</p> <p>21 We're ten seconds in. We can see some, what appears</p> <p>22 to be water pooling on top of the water tank; right?</p> <p>23 A.Yes.</p> <p>24 Q.It looks like at the 19 second mark we just saw a</p> <p>25 hand that was moving around this foam material that we</p>
<p style="text-align: right;">Page 55</p> <p>01 A.Yes.</p> <p>02 Q.So let's try to do this, and I have called up,</p> <p>03 and I'll turn this around here and kind of start it</p> <p>04 and stop it. But I'd like to just try to make a</p> <p>05 record as we go through this video. I'm going to tell</p> <p>06 you that this is a document that's been produced to us</p> <p>07 electronically with the Bates label Peperno 000007,</p> <p>08 and it is a video that we will start to play through</p> <p>09 here if I can figure out what I'm doing. And I just</p> <p>10 want to ask you a few questions about it along the</p> <p>11 way.</p> <p>12 First of all, we're looking at the first</p> <p>13 approximately five seconds of the video. I paused it</p> <p>14 at the five second mark. What are we looking at here</p> <p>15 in this video?</p> <p>16 A.That's the water tank.</p> <p>17 Q.Okay.</p> <p>18 A.And that's the pipe that goes up from the water</p> <p>19 tank.</p> <p>20 Q.Okay.</p> <p>21 A.And there was some kind of foam protector around</p> <p>22 there.</p> <p>23 Q.You can see up at the top frame of the video a</p> <p>24 black/gray looking thing. That may be the foam</p> <p>25 protector you are referring to.</p>	<p style="text-align: right;">Page 57</p> <p>01 saw at the top of the frame earlier. Do you know what</p> <p>02 that was, or who that was?</p> <p>03 A.That was me.</p> <p>04 Q.What were you doing there?</p> <p>05 A.The leak was obviously coming from inside the</p> <p>06 foam somewhere. At that point, now that I look at</p> <p>07 this video --- I haven't seen it in a while --- that's</p> <p>08 when I --- I didn't even know what that was until I</p> <p>09 pulled it apart, and it was just a piece of foam that</p> <p>10 was going from the top to the bottom. And when I</p> <p>11 opened that up that's when it started to spew out a</p> <p>12 mist.</p> <p>13 Q.We'll play ahead now a bit farther. We're about</p> <p>14 30 seconds now. It looks like the camera's moving</p> <p>15 around a little bit. You're probably doing something</p> <p>16 else.</p> <p>17 A.Yeah.</p> <p>18 Q.Now I'm pausing it at 41 seconds, and we're</p> <p>19 looking at --- well, describe what we're seeing here</p> <p>20 at 41 seconds.</p> <p>21 A.That was a grainy area. I believe I got the foam</p> <p>22 off, and that's the spray in the middle of the pipe.</p> <p>23 Q.So we're seeing something red that's taking up</p> <p>24 the right half of the screen. And that appears to be</p> <p>25 the pipe as far as we can tell.</p>

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<p style="text-align: right;">Page 58</p> <p>01 A.Yes.</p> <p>02 Q.And I was trying to figure out as I watched</p> <p>03 this ---.</p> <p>04 A.That's the water spraying.</p> <p>05 Q.So we can see something from about the middle of</p> <p>06 the screen, halfway from top to bottom, going out</p> <p>07 horizontally, almost splitting the screen in the</p> <p>08 middle if you go from left to right. And that appears</p> <p>09 to be the spray of water?</p> <p>10 A.Keep going. Yeah. That's it.</p> <p>11 Q.Okay. Okay.</p> <p>12 A.It was a flat spray.</p> <p>13 Q.Let's see. I'm going to pause it again at ---</p> <p>14 well, we're coming up on a minute in, and there's some</p> <p>15 more moving around of the camera. I won't judge your</p> <p>16 camera work.</p> <p>17 A.I don't think I was videoing the whole thing. It</p> <p>18 was just my hand moving around.</p> <p>19 Q.That's fair. So we've gone --- for a moment we</p> <p>20 saw at --- let me see if we can see it again here.</p> <p>21 Okay. I'm pausing it at a minute 16, and there</p> <p>22 appears to be a red pipe and some other kind of a</p> <p>23 pipe, a white or a ---.</p> <p>24 A.I believe that's a gas pipe.</p> <p>25 Q.That's what I was going to ask you. What were</p>	<p style="text-align: right;">Page 60</p> <p>01 the basement?</p> <p>02 A.I don't think that's the proper date.</p> <p>03 Q.What makes you think that?</p> <p>04 A.That would have been the date in April.</p> <p>05 Q.And what makes you say that?</p> <p>06 A.Because it's the pipe that's attached to the</p> <p>07 water heater.</p> <p>08 Q.So it's the location of where it is in relation</p> <p>09 to the water heater that makes you think it might be a</p> <p>10 different date.</p> <p>11 A.Yes.</p> <p>12 Q.Let me do one more of these, and I think it's the</p> <p>13 shorter of the two. I'm going to open up what I have,</p> <p>14 it's a file called Peperno 00008, and this is another</p> <p>15 video file, and again, it's one that I don't think we</p> <p>16 have audio for. I'd ask that if you could check and</p> <p>17 see if you have a version with audio if you would try</p> <p>18 to get that to your Counsel. We would appreciate it.</p> <p>19 A.Okay.</p> <p>20 Q.But here we are, 008, and I'm going to start</p> <p>21 playing, and again, we'll probably pause it as I have</p> <p>22 any questions. So it looks as though --- I'm pausing</p> <p>23 it at four seconds --- and it looks as though again in</p> <p>24 the middle of the screen we have a spray of water</p> <p>25 going from right to left.</p>
<p style="text-align: right;">Page 59</p> <p>01 you showing here to the best of your recollection?</p> <p>02 A.Might have been just the camera, just going in my</p> <p>03 hand. I might not even been videoing at that time.</p> <p>04 It just was on. There's the leak again.</p> <p>05 Q.We're at 125 through 128 approximately. I've</p> <p>06 paused it at 128, and you said there's the leak again.</p> <p>07 We're looking at the same thing we saw earlier;</p> <p>08 correct?</p> <p>09 A.Right.</p> <p>10 Q.In terms of the spray coming out sideways out of</p> <p>11 the red pipe. Do you remember --- I'll pause it here</p> <p>12 at a minute 35 --- do you remember when you took this</p> <p>13 where in the sequence of events it was in terms of</p> <p>14 after you discovered this leak? And what I'm trying</p> <p>15 to ask is, you know, in the sequence of events of</p> <p>16 calling the plumber, shutting the water off, I think</p> <p>17 your father coming over, do you remember where this</p> <p>18 was in that whole sequence?</p> <p>19 A.No.</p> <p>20 Q.We're playing it again. We're about a minute 45</p> <p>21 in, and coming to the end of the video here. Okay.</p> <p>22 Oh go ahead. Go ahead.</p> <p>23 A.No. Go ahead.</p> <p>24 Q.To the best of your recollection is that a true</p> <p>25 and accurate depiction of what you filmed that day in</p>	<p style="text-align: right;">Page 61</p> <p>01 A.It's the same incident I believe.</p> <p>02 Q.That's kind of wondering, if it was the same</p> <p>03 location and same incident as the previous video we</p> <p>04 watched. And it appears to be so as far as you can</p> <p>05 tell?</p> <p>06 A.Yes.</p> <p>07 Q.At approximately 12 to 13 seconds in the camera</p> <p>08 goes upward at the ceiling. What are we seeing there</p> <p>09 as you look up? I'll back it up here to 11 seconds.</p> <p>10 I know this is a little tedious, but bear with me.</p> <p>11 Okay, so it appears to be --- oh, and I should ask</p> <p>12 you, is it you also taking this video?</p> <p>13 A.Yes.</p> <p>14 Q.You're going upward, appear to be panning the</p> <p>15 camera upward from about 11 seconds to 13 seconds in.</p> <p>16 What are you showing there, or what are we seeing in</p> <p>17 this video as you do that?</p> <p>18 A.Right there's the regulator I think.</p> <p>19 Q.I'm paused at 14. We have like a tank hanging</p> <p>20 down in the middle of the screen there.</p> <p>21 A.I think that's what that's called.</p> <p>22 Q.And any particular reason you're showing that in</p> <p>23 this video?</p> <p>24 A.I think you asked me about a regulator before.</p> <p>25 Q.Do you have any reason for why you were filming</p>

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<p style="text-align: right;">Page 62</p> <p>01 it on this particular day?</p> <p>02 A.No. I was just going --- I don't recall. I just</p> <p>03 filmed stuff.</p> <p>04 Q.Fair enough. I'm pausing it at 26 seconds. It</p> <p>05 looks like there were some buckets and things on the</p> <p>06 floor here.</p> <p>07 A.Here's the Christmas tree, so that was definitely</p> <p>08 the one in I believe was April.</p> <p>09 Q.We're paused at 29 seconds in. Christmas tree on</p> <p>10 the right. What are we seeing here as we look at the</p> <p>11 water heater? Well let me ask it this way? I'll back</p> <p>12 it up to 28 seconds. This configuration that we're</p> <p>13 seeing right here as I pause the frame at 28 seconds.</p> <p>14 We see your water heater or water tank. Has that</p> <p>15 configuration changed at all since the day you took</p> <p>16 this video?</p> <p>17 A.No.</p> <p>18 Q.And is that the same configuration you'd had, as</p> <p>19 far as you recall, from day one of this home?</p> <p>20 A.Yes.</p> <p>21 Q.All right.</p> <p>22 A.It's the same water heater, too.</p> <p>23 Q.The same water heater is still there today?</p> <p>24 A.That's right.</p> <p>25 Q.Anything that stands out at you about this</p>	<p style="text-align: right;">Page 64</p> <p>01 Q.Okay.</p> <p>02 A.I'm having them confused.</p> <p>03 Q.And it's been, I mean, we don't expect you to be</p> <p>04 a robot that's been --- it's been a few years, and I</p> <p>05 get that. I just want to try to clarify.</p> <p>06 A.Yeah, because he was definitely dressed in his</p> <p>07 --- like I said it was Palm Sunday. He was dressed.</p> <p>08 He was not dressed there. So I believe that might</p> <p>09 have been the June 7th one, though. I might have got</p> <p>10 them confused, of the dates.</p> <p>11 Q.Well let me ask as far as the type of a spray on</p> <p>12 that. That last one we saw, fair to say, for some of</p> <p>13 these you described a mist, a fine mist. That was</p> <p>14 different from a fine mist, right, or was it?</p> <p>15 A.That's how it was coming out. It was like a</p> <p>16 misty jet, like if you put your garden hose on a flat</p> <p>17 mist. That's how that looked, coming out.</p> <p>18 Q.So what we saw there in terms of the way the</p> <p>19 water was coming out, was it the same for every leak?</p> <p>20 A.Yes; except for that one that was dripping.</p> <p>21 Q.Other than the May 2016 ---.</p> <p>22 A.They all looked like that.</p> <p>23 Q.They all looked like we saw on the video.</p> <p>24 A.That's correct.</p> <p>25 Q.Got it. Let me hand you one more exhibit. That</p>
<p style="text-align: right;">Page 63</p> <p>01 particular scene or footage, or while you were doing</p> <p>02 what you were doing with the camera at this moment,</p> <p>03 and I'm looking at 32 seconds in now.</p> <p>04 A.No.</p> <p>05 Q.What is this on the top? Do you know?</p> <p>06 A.No.</p> <p>07 Q.I'm paused at 37 seconds. We see someone's hand</p> <p>08 here in the video.</p> <p>09 A.That's my father.</p> <p>10 Q.There's your father. He makes a cameo at 38</p> <p>11 seconds in. And I think that that's all of that</p> <p>12 video. Okay. Thank you. I don't have any more</p> <p>13 questions about those. Seeing that second video, did</p> <p>14 that change your recollection about anything as far as</p> <p>15 the sequence or timing of when this video would have</p> <p>16 been taken?</p> <p>17 A.I'm trying to place the dates between the</p> <p>18 incidents. That was not the second one. That was</p> <p>19 not, because he wasn't dressed, so that might have</p> <p>20 been the June one.</p> <p>21 Q.So is it possible --- were the two videos taken</p> <p>22 on the same day?</p> <p>23 A.Yes.</p> <p>24 Q.So it's possible that it was ---.</p> <p>25 A.That must have been in June.</p>	<p style="text-align: right;">Page 65</p> <p>01 is the Second Amended Class Complaint. I won't ask</p> <p>02 you to read the whole thing. It's 60 pages. But I'm</p> <p>03 going to mark it as Exhibit 4. I'll ask you some</p> <p>04 questions about specific pages. So to the best of</p> <p>05 your recollection did you see this Second Amended</p> <p>06 Class Action Complaint before it was filed?</p> <p>07 (Exhibit 4 marked for identification.)</p> <p>08 A.Did I see it?</p> <p>09 BY ATTORNEY WESLANDER:</p> <p>10 Q.Before it was filed with the court here in June</p> <p>11 of 2015, do you remember ever reviewing it prior to it</p> <p>12 going final and filing it with the court?</p> <p>13 A.I reviewed the stuff that had to do with my case.</p> <p>14 Q.We'll page ahead to that. I might ask you once</p> <p>15 we've looked at those if you remember seeing them. So</p> <p>16 let's go to page 17 of this. You'll see a page 17,</p> <p>17 that your name starts --- your allegations start at</p> <p>18 paragraph 91. Do you see that?</p> <p>19 A.Yes.</p> <p>20 Q.And it looks like there are about two pages of</p> <p>21 allegations, starting at 91 and going through</p> <p>22 paragraph 103 on the next page, that relate to your</p> <p>23 home. Do those look familiar to you, those</p> <p>24 allegations?</p> <p>25 ATTORNEY KENNEY:</p>

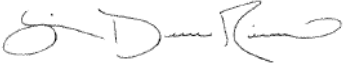
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<p style="text-align: right;">Page 66</p> <p>01 You need to take a second to review 02 them? 03 ATTORNEY WESLANDER: 04 Sure. Take as much time as you need. 05 A.I'm sorry. What do you want me to read over? 06 BY ATTORNEY WESLANDER: 07 Q.Yeah. Ninety-one (91) through the bottom of page 08 18. So paragraph 91 through paragraph 103. And I 09 would just ask when you've had a chance to look at 10 them my question is just do they seem familiar to you, 11 and have you seen them before today. 12 A.Yes. 13 Q.Let me ask about a couple in particular. I'm 14 looking at paragraph 95 on page 17, and it states that 15 the Pepernos hired a licensed professional contractor 16 to install the plumbing system in their home. Is that 17 accurate? 18 A.Me personally did not hire them. I hired a 19 contractor. 20 Q.That contractor being the home builder. 21 A.That's correct. 22 Q.Paragraph 101 is on page 18, and it states, the 23 second sentence states that you quote, installed 24 replacement plumbing in their basement. I wanted to 25 just clarify. That's referring to the sections of</p>	<p style="text-align: right;">Page 68</p> <p>01 paragraph there, number 232 on page 46. Let me know 02 when you're there. 03 A.Okay. I got it. 04 Q.There's a reference to the condition of the NIBCO 05 PEX products. Do you personally have any idea about 06 the condition that the PEX products were designed, 07 manufactured, assembled, distributed, marketed, or 08 sold in? 09 ATTORNEY KENNEY: 10 Object to the form of the question. You 11 can answer. 12 A.No. 13 BY ATTORNEY WESLANDER: 14 Q.Do you understand the question? I can ask again 15 if that was confusing. 16 A.Okay. If you want to ask it go ahead. 17 Q.Do you have any information about the condition 18 that the NIBCO PEX products were designed in? 19 A.No. 20 Q.Any information about the condition they were 21 manufactured in? 22 A.No. 23 Q.Same question for how they were assembled. 24 A.No. 25 Q.No. And no knowledge about how they were</p>
<p style="text-align: right;">Page 67</p> <p>01 pipe that were replaced or repaired by Lameo. 02 A.That's correct. 03 Q.Not an entire replumb. 04 A.No. Just the sections that he deemed necessary 05 to correct the problem. 06 Q.Got it. Okay. Let's just page ahead briefly to 07 page number 36. And at the very bottom of page 36 08 there's a paragraph number 166. So are we on the same 09 page so to speak? 10 A.Thirty-six (36). You said 36? 11 Q.Page 36; correct. 12 A.Okay. 13 Q.At the very last paragraph it states quote, 14 Plaintiffs and Plaintiffs' agents relied on the skill 15 and judgment of Defendant in using the PEX products. 16 Did you personally ever rely on NIBCO when deciding to 17 use a NIBCO product in your house? 18 A.No. 19 ATTORNEY KENNEY: 20 Object to the extent it calls for a 21 legal conclusion. 22 BY ATTORNEY WESLANDER: 23 Q.I'm going to jump ahead now to paragraph 46. 24 A.Page 46? 25 Q.I'm sorry. Page 46; thank you. There is a</p>	<p style="text-align: right;">Page 69</p> <p>01 distributed, marketed, or sold, as far as the 02 condition they were in that time? 03 A.That is correct; no on anything to do with the 04 piping. 05 Q.Just making sure. It sounds like, for the three 06 leaks that are described in this petition, and I'm 07 backing up now to page 18, just to be clear. Sorry to 08 make you go back here, but back to page 18. There's a 09 reference to three specific leaks that we've talked 10 about. 11 A.I'm sorry. Which section? 12 Q.I'm on page 18 now. I just want to cover this 13 last ---. 14 A.Okay. 15 Q.These three leaks that are mentioned in paragraph 16 97, 98, and 99. 17 A.Ninety-eight (98) and 99? 18 Q.Ninety-seven (97), 98. 19 A.Okay. Got them. Go ahead. 20 Q.Those three incidents, December of 2013, April 21 2014, June 2014, are you making any kind of an 22 allegation that there was an issue with NIBCO clamps 23 or fittings, or are those only relating to alleged 24 defects in the piping? 25 ATTORNEY KENNEY:</p>

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<p style="text-align: right;">Page 70</p> <p>01 Object to the extent it calls for a</p> <p>02 legal conclusion. You can answer if you understand.</p> <p>03 BY ATTORNEY WESLANDER:</p> <p>04 Q.Did you understand?</p> <p>05 A.Yes. I understand that. Those particular</p> <p>06 instances were all with the video, were pretty much</p> <p>07 what the video showed in the middle of the piping.</p> <p>08 Q.So you're not claiming that in connection with</p> <p>09 these three there was an issue with fittings or clamps</p> <p>10 being defective.</p> <p>11 ATTORNEY KENNEY:</p> <p>12 Same objection. You can answer.</p> <p>13 BY ATTORNEY WESLANDER:</p> <p>14 Q.As far as you know.</p> <p>15 A.No. At that point; no.</p> <p>16 Q.Do you have any reason to believe that your</p> <p>17 father has done any independent investigation into the</p> <p>18 allegations of your complaint?</p> <p>19 A.No. No independent; no.</p> <p>20 Q.Okay.</p> <p>21 A.He was the one who originally found that there</p> <p>22 was a problem on the internet with them.</p> <p>23 Q.So at some point he looked into it, and found</p> <p>24 something online and notified you about what he had</p> <p>25 found.</p>	<p style="text-align: right;">Page 72</p> <p>01 that you've gathered everything that you have?</p> <p>02 A.I believe I did.</p> <p>03 Q.If there's anything that you realize that you</p> <p>04 have that you had forgotten about or hadn't produced</p> <p>05 will you let your attorneys know so they can give it</p> <p>06 to us?</p> <p>07 A.Yes.</p> <p>08 Q.Okay. Have you ever read the NIBCO warranty?</p> <p>09 A.No.</p> <p>10 Q.Mr. Peperno, thank you. I don't have any other</p> <p>11 questions at this time.</p> <p>12 A.All right. Thank you.</p> <p>13 ATTORNEY KENNEY:</p> <p>14 I have no questions. We'll do a read</p> <p>15 and sign.</p> <p style="text-align: center;">* * * * *</p> <p style="text-align: center;">DEPOSITION CONCLUDED AT 10:38 A.M.</p> <p style="text-align: center;">* * * * *</p>
<p style="text-align: right;">Page 71</p> <p>01 A.That's correct.</p> <p>02 Q.Did he discover any of the leaks himself?</p> <p>03 A.No. I discovered all of them.</p> <p>04 Q.Let's go off the record again briefly. Give me</p> <p>05 one minute here. I think I'm just about to wrap it</p> <p>06 up. I just want to make sure there wasn't something</p> <p>07 that I ---.</p> <p>08 ATTORNEY KENNEY:</p> <p>09 Sure. Do you want us to step out?</p> <p>10 ATTORNEY WESLANDER:</p> <p>11 You don't have to. I mean, if you want</p> <p>12 to, you can.</p> <p>13 SHORT BREAK TAKEN</p> <p>14 BY ATTORNEY WESLANDER:</p> <p>15 Q.Other than taking the videos that we looked at,</p> <p>16 did you do anything to document these leaks in any</p> <p>17 way? Photos, writing down notes, anything like that?</p> <p>18 A.I don't recall if I took photos or not. I might</p> <p>19 have. I don't recall though.</p> <p>20 Q.Do you know that in response to a request for</p> <p>21 information from the Defendants you were asked to help</p> <p>22 gather documents and materials and information.</p> <p>23 A.Yes.</p> <p>24 Q.Can you go back and look and see if there's ---</p> <p>25 well let me ask you this. Do you feel comfortable</p>	<p style="text-align: right;">Page 73</p> <p>01 COMMONWEALTH OF PENNSYLVANIA)</p> <p>02 COUNTY OF MIFFLIN)</p> <p>03</p> <p>04 CERTIFICATE</p> <p>05 I, Lindsey Deann Richardson, a Notary Public in</p> <p>06 and for the Commonwealth of Pennsylvania, do hereby</p> <p>07 certify:</p> <p>08 That the witness whose testimony appears in the</p> <p>09 foregoing deposition, was duly sworn by me on said</p> <p>10 date and that the transcribed deposition of said</p> <p>11 witness is a true record of the testimony given by</p> <p>12 said witness;</p> <p>13 That the proceeding is herein recorded fully and</p> <p>14 accurately;</p> <p>15 That I am neither attorney nor counsel for, nor</p> <p>16 related to any of the parties to the action in which</p> <p>17 these depositions were taken, and further that I am</p> <p>18 not a relative of any attorney or counsel employed by</p> <p>19 the parties hereto, or financially interested in this</p> <p>20 action.</p> <p>21</p> <p>22 </p> <p>23</p> <p>24 Lindsey Deann Richardson,</p> <p>25 Court Reporter</p>

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